

## Exhibit # 2

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1 that certainly belies the affidavit of Bakar bin Laden.

2 THE COURT: I have the nagging sense that I'm not  
3 really moving the ball forward today in the way I anticipated  
4 or perhaps anybody anticipated. Let me focus on the two things  
5 that we have been talking about most recently.

6 First, documents that reflect Osama bin Laden's  
7 separation from SBG. Are there other documents that relate to  
8 that topic, to your knowledge, Mr. Gauch, such as whether he  
9 did it voluntarily or involuntarily?

10 MR. GAUCH: Your Honor, these are the documents that  
11 reflect the transaction of removing him. I don't know of and  
12 have never seen documents relating to the trust, but I'm sure  
13 they exist. Those documents may be within the control of the  
14 Saudi government. There may be some issues there with respect  
15 to the documents. I know you have dealt with something similar  
16 in the MCB context.

17 THE COURT: Right.

18 MR. GAUCH: I would just be speculating, but I would  
19 imagine that there are some additional documents that reflect  
20 that, because this was obviously a transaction that was done  
21 formally. We have provided the document that SBG has with  
22 respect to the removal of him as a shareholder.

23 MR. HAEFELE: Your Honor, may I suggest a few that we  
24 might be interested in?

25 THE COURT: Sure.

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1 MR. HAEFELE: I think there should be some documents  
2 regarding the assignment of interest. I'm not sure if that's  
3 what we looked at. I think this is the shareholder agreement.  
4 There are probably some documents that actually show the  
5 assignment of interest.

6 Any of the documents related to setting up the trust.  
7 Apparently it is I think called a blind trust. I'm not sure  
8 that means that someone can't profit from a blind trust, get  
9 the benefit of it. But whatever the documents are that set  
10 that trust up and what the terms of it are and what ended up  
11 happening with that trust.

12 What was submitted to a sharia court. There was a  
13 sharia court that had to approve the divestiture from SBG. I  
14 think we would like to look at what was actually submitted to  
15 the sharia court and what the sharia court's decision was.

16 Any document internally that speaks to the issue of  
17 why they did it. I know that they tell us now one story. But  
18 the question is whether documents internally discuss why they  
19 were doing this at the time.

20 THE COURT: That's in essence what I had just finished  
21 asking Mr. Gauch, are there further documents that show why. I  
22 think his answer was perhaps.

23 MR. GAUCH: Let me supplement that perhaps, your  
24 Honor. If you direct your attention to the Bakar affidavit,  
25 which is tab G, and look at attachment 3 -- this is all part of

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1 the attachment to our letter -- you will see a public statement  
2 that Bakar bin Laden made on February 20, 1994, announcing this  
3 move and explaining that the combination of Osama bin Laden and  
4 his activities hostile to the kingdom at the time.

5 You will also see we threw in another one, another  
6 public statement that Bakar bin Laden made in 1998, which I  
7 believe was after the embassy bombings in Africa, again  
8 condemning his behavior.

9 So it is a nice story the plaintiffs are trying to  
10 tell, that everything changed after 9/11, but again the  
11 documents reflect that that is not the case. The reasons for  
12 removing him are clear on the record.

13 THE COURT: Some of the documents, those I have in  
14 front of me certainly, reflect that. To the extent that there  
15 are the additional documents that Mr. Haeefele just described, I  
16 will direct that they be turned over.

17 Broadly construed, what you are asking about in terms  
18 of construction projects in the Sudan, for example, would  
19 require SBG to turn over for a major construction project  
20 probably millions of documents. It seems to me that goes  
21 totally beyond the pale of appropriate jurisdictional  
22 discovery. So to the extent that that is the request, the  
23 request is denied.

24 MR. HAEFELE: Your Honor, certainly I hope we don't  
25 disagree, and I didn't hear your Honor say, that if they did

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